

Remarks

This Amendment is in response to the Final Office Action dated **April 19, 2007**. Claims 1-37 are pending in this application. The Office Action rejected claims 1-12, 14-27, 36 and 37 under 35 USC § 103 over Lee (US 5203777) in view of Skujins (US 7153277); and rejected claim 13 under 35 USC § 103 over Lee in view of Skujins and further in view of Pacetti (US 6574497). The Office Action also indicated that Applicant's previous arguments concerning claims 28-35 were not persuasive.

By this Amendment, claims 28-35 are cancelled without prejudice or disclaimer. Applicant reserves the right to prosecute all cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim Rejections (applying Lee)

The Office Action rejected, under 35 USC § 103, claims 1-12, 14-27, 36 and 37 over Lee in view of Skujins; and claim 13 over Lee in view of Skujins and further in view of Pacetti. These rejections are traversed.

Applicant asserts that according to 35 USC § 103(c), Skujins is not available as a prior art reference to the immediate application under 35 USC § 103(a).

35 USC § 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Skujins is not available as prior art to the immediate application under any of subsections (a)-(d) of 35 USC § 102. At the time the invention was made, Skujins was assigned to SciMed Life Systems, Inc. of Maple Grove, MN, and the invention was subject to an obligation of assignment to SciMed Life Systems, Inc. Both are currently assigned to Boston Scientific Scimed, Inc., formerly SciMed Life Systems, Inc.

The Assignment of Skujins to SciMed Life Systems, Inc. is recorded at reel

013549, frame 0839. The Assignment of the immediate application to SciMed Life Systems, Inc. is recorded at reel 014737, frame 0639. The change of name from SciMed Life Systems, Inc. to Boston Scientific Scimed, Inc. was recorded at reel 018505, frame 0868.

Therefore, Skujins is not available as prior art under 35 USC § 103(a). Accordingly, Applicant requests withdrawal of the rejection of claims 1-27, 36 and 37 under 35 USC § 103.

Claim Rejections (applying Stinson)

The Office Action indicated that Applicant's previous arguments with respect to claims 28-35 were not persuasive.

Without acquiescing to the validity of the rejections, Applicant has cancelled claims 28-35 for the purpose of furthering prosecution of the remaining claims. Therefore, the rejections have been rendered moot. Accordingly, Applicant requests withdrawal of the rejections.

Conclusion

Based on at least the foregoing amendments and remarks, Applicant respectfully submits this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-27, 36 and 37 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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